

*Status:* Active

*DOE Lead:* RW-44 (Corinne Macaluso @ 202/586-2837)

*Start Date:* 1/96

*End Date:*

*Purpose:* To track the development and implementation of Section 180(c) of the Nuclear Waste Policy Act and allow input from TEC/WG participants.

*Approach:* OCRWM will continue a comment response process through the *Federal Register* to develop Section 180(c) policy and procedures. Notices of Inquiry will solicit input from the general public on various aspects of the program. Proposed and Final Notices of Policy and Procedures will be published in the *Federal Register*. Public involvement will be included at each step, including public meetings.

*History:* The Nuclear Waste Policy Act, as amended, requires the Secretary [of Energy] to provide technical assistance and funds to States for training for public safety officials of appropriate units of local government and Indian tribes through whose jurisdiction the Secretary plans to transport spent nuclear fuel or high-level radioactive waste. Training shall cover procedures required for safe routine transportation, as well as procedures for dealing with emergency response situations.

*Updates:*

(as of 7/95): OCRWM issued a Notice of Inquiry in the *Federal Register* on January 3, 1995. This Notice requested stakeholder input on a variety of issues. On March 14, 1995, the comment period was extended from April 3, 1995 to May 18, 1995 in response to requests from stakeholder groups. Thirty-eight comments were received on Section 180(c) policy development options from the first Notice of Inquiry.

(as of 1/96): In July 1995, a second Notice of Inquiry was issued with a more detailed discussion of options for Section 180(c) policy and implementation. Two groups of options were identified in the Notice: policy options, which define the scope of a Section 180(c) program, and procedural options, which identify ways to administer the program. OCRWM received another thirteen comments on the July Notice of Inquiry, Supplemental Information.

(as of 7/96): OCRWM summarized and responded to all the comments it received from the Notices of Inquiry in the Notice of Proposed Policy and Procedures issued on May 16, 1996. The comment period for the May 1996 notice will end September 30, 1996, and the Notice of Final Policy and Procedures is anticipated for June 1997.

In the May 1996 notice, the Department proposes to implement Section 180(c) through an OCRWM grants program. Funding would be provided every year beginning approximately three years prior to the first shipment through a state or tribal land. The Department would administer grants specific to the Section 180(c) program and would not be combined with any other Department-sponsored transportation preparedness or training programs. The Department intends that the application process for grants and technical assistance under the Section 180(c) program begin approximately four years prior to transportation through a jurisdiction (about one year for the application process, about three years to implement the program).

The proposed definition of safe, routine transportation is the enforcement of standards and inspection of shipments of spent nuclear fuel and high-level radioactive waste to a repository or an MRS pursuant to the NWPA through state, tribal, and local jurisdictions in a manner compliant with Federal, state, tribal and local laws and regulations.

The proposed definition of technical assistance is assistance, other than financial assistance, that the Secretary of Energy can provide that is unique to the Department to aid training that will cover procedures for the safe, routine transportation and emergency response situations during the transport of spent nuclear fuel and high-level radioactive waste to a repository or MRS pursuant to the NWPA, including, but not limited to, the provision of training materials, the provision of public information materials, and access to individuals involved in the shipments.

(as of 1/97): Total comments received, 38 on the January 3, 1995 NOI; 13 comments on the July 18, 1995 NOI, Supplemental Information; and 41 comments on the May 16, 1996 Notice of Proposed Policy and Procedures. The comment period ended September 30, 1996. All comments are being reviewed and the Final Policy and Procedures is scheduled to be issued June 30, 1997.

(as of 7/97): The Department received 43 comments in response to the May 16, 1996 Notice of Proposed Policy and Procedures. Based on the comments received and further research by the Department, a revised Proposed Policy and Procedures is scheduled to be issued for comment by July 15, 1997. The Department plans to publish, in early 1998, a Notice of Final Policy and Procedures.

(as of 1/98): A revised Proposed Policy and Procedures was issued for comment on July 15, 1997. The Department received 19 responses during the comment period July 17 - September 15, 1997. The Department plans to publish, in Spring 1998, a Revised Proposed Policy and Procedures.

(as of 7/98): The Department published a Revised Proposed Policy and Procedures in April 1998. The two significant changes to the Policy and Procedures included the provision of a \$150, 000.00 planning grant in TY-4 to eligible jurisdictions and including the incremental cost of training for the inspection of rail shipments as an allowable cost. Currently, there is not a schedule for issuance of a Final Policy and Procedures. The Policy and Procedures will remain in draft form until program progress or legislation provides definitive guidance as to when shipments will commence.

(as of 12/98): See previous update; no changes to Task Plan at this time. The latest revision to the Proposed Policy and Procedures will be kept in draft form until a definitive date for NWPA shipments can be determined based on progress regarding the suitability of a site for a repository or enactment of legislation for early waste acceptance.

(as of 7/99): See previous update; no changes to Task Plan at this time. The latest revision to the Proposed Policy and Procedures will be kept in draft form until a definitive date for NWPA shipments can be determined based on progress regarding the suitability of a site for a repository or enactment of legislation for early waste acceptance.

*Milestones:*

1/96	Task Proposed
7/96	Draft task plan completed
5/96	Notice of Proposed Policy and Procedures
7/97	Revised Notice of Proposed Policy and Procedures
4/98	Notice of Revised Proposed Policy and Procedures

*Comments:* This task was formerly identified as I-A.1 Develop Policy and Implementation Procedures for Section 180(c), Nuclear Waste Policy Act Requirements